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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

- against -

COLLECTOR'S COFFEE INC., et al.,

Defendants.

**19-CV-4355 (VM)**

**ORDER**

**VICTOR MARRERO, United States District Judge.**

The Court has received the letter motions ("Motions") from defendant Mykalai Kontilai ("Kontilai"), joined by defendant Collector's Coffee, Inc. ("Collector's Coffee," and together with Kontilai, "Defendants"), to declare a mistrial or in the alternative strike certain testimony heard by the jury. (See Dkt. Nos. 1457, 1458, 1460). The Court has also received the responses from plaintiff Securities Exchange Commission ("SEC") (see Dkt. Nos. 1461, 1462). The Motions are hereby **DENIED**.

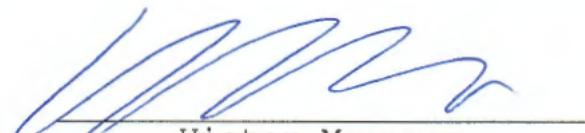
Defendants contend that evidence of any transaction before April 2014 should be time barred. (See Dkt. No. 1457.) As the Court has already ruled, evidence of conduct from before April 2014 is relevant to alleged misconduct that began prior to April 2014, continued into the limitations period, and resulted in investments within the limitations period. As

for Lilibeth Feliciano's testimony about her investment (see Dkt. No. 1458), the Court sees no prejudice in the procedural matters raised by Defendants, and in any event, the testimony's prejudicial effect, if any, did not substantially outweigh its probative value. Finally, Seth Kaller's testimony about the ownership of the Jackie Robinson contracts (see Dkt. No. 1460) is relevant to the truth of Defendants' statements or omissions made to investors about those contracts.

The Court finally notes that the Motions present no new facts or legal principles that would merit reconsideration of the Court's prior orders, some of which squarely address these exact issues. This type of motion is "repetitive, cumbersome, and wasteful for the parties and the Court." See Dkt. No. 1320.

**SO ORDERED.**

Dated: 11 December 2023  
New York, New York



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Victor Marrero  
U.S.D.J.